

**REMARKS**

Claims 8-11, 19-22, 24, and 26-41 are all the claims pending in the application. By this Amendment, Applicants amend claims 19-22 and 33-39 to better conform them to U.S. patent practice. Applicants submit, however, that the amendments do not narrow the scope of the claims in any way, and thus, do not create any estoppel in the application of the doctrine of equivalents.

***Allowable Subject Matter***

Applicants thank the Examiner for indicating that claims 9, 11, 20, 22, 29, 31, 32, 36, 38, and 39 contain allowable subject matter and would be allowable if rewritten in independent form. Applicants request the Examiner to hold in abeyance such rewriting of these claims until the Examiner has an opportunity to reconsider and withdraw the prior art rejection of the other claims, as discussed below in further detail.

***Claim Rejections - 35 U.S.C. § 102***

Claims 8, 10, 19, 21, 24, 26-28, 30, 33-35, 37, 40, and 41 are rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent No. 6, 865, 386 to Aoyama *et al* (“Aoyama”). For *at least* the following reasons, Applicants respectfully traverse the rejection.

Applicants respectfully submit that claim 8 is not anticipated by Aoyama. For example, claim 8 relates to a cellular telephone set capable of performing animation display of any one of a stored plurality of characters. The cellular telephone set comprises, *inter alia*, character presentation means for controlling animation display of said character upon occurrence of an event on the set depending upon history information corresponding to said event and further depending upon an occurrence timing of a predetermined operation relating to said event. Prior

to the occurrence of said event, said character is not related to said occurring event. The character presentation means selects said character from among the stored plurality of said characters depending upon the history information corresponding to said event.

The Examiner contends that Aoyama, in col. 11, line 47 to col. 13, line 23, and more particularly, in col. 12, lines 3-26, discloses the above-noted feature reciting that “prior to the occurrence of said event, said character is not related to said occurring event”. See Office Action, page 3, lines 6-11. Applicants respectfully disagree.

In the cited portions, Aoyama discloses that “the control unit 4 displays a varied scene of character images and contents of the comment at the time of transmission and reception depending on the combination of the record condition (or frequency condition) and registered personal data (moreover, kind of character)” (Aoyama, col. 12, lines 3-7, emphasis added). That is, the character is previously registered by the user of Aoyama’s communication terminal and is related to the alleged occurring events (*also see.*: col. 5, lines 43-53 and col. 6, lines 27-30).

For instance, Aoyama explicitly discloses that “the control unit 4 causes the display 7 to display the comment such as “Do you want to set refusal of incoming?” together with the character image of the selected kind” (col. 13, lines 10-15, emphasis added). Here, the selected character is the character that is selected by the user during the initial setting of Aoyama’s communication terminal as set forth in col. 5, lines 43-53. Therefore, Aoyama does not disclose that prior to the occurrence of said event, said character is not related to said occurring event, as set forth in claim 8. Accordingly, Aoyama cannot anticipate claim 8.

The remaining independent claims, namely claims 19, 24, 26, 33, 40, and 41 also recite, in some variation, the above-noted feature of claim 8. Therefore, claims 19, 24, 26, 33, 40, and 41 are patentable *at least* for reasons given above with respect to claim 8.

Moreover, with respect to claims 26, 33, 40, and 41, Applicants note that in the Office Action, the rejection from the previous Office Action dated December 12, 2007 is simply reproduced (see previous Office Action, pages 5 and 6, and current Office Action, pages 5 and 6). However, as acknowledged by the Examiner on page 2, paragraph 1 of the current Office Action, the portions of Aoyama cited in the previous Office Action as allegedly disclosing the above-noted features of claims 26, 33, 40, and 41 do not anticipate claim 1. Accordingly, Applicants respectfully submit that the rejection of claims 26, 33, 40, and 41 is improper and should be withdrawn.

Claims 10, 21, 27, 28, 30, 34, 37, and 35 are patentable *at least* by virtue of their dependency.

### ***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appl. No.: 10/671,547

Attorney Docket No.: Q77532

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Quadeer A. Ahmed  
Registration No. 60,835

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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